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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,569

11/15/2001

Shuntaro Aratani

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7348

5514

7590

03/28/2007

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/987,569</p>	<p><b>Applicant(s)</b></p> <p>ARATANI ET AL.</p>	
	<p><b>Examiner</b></p> <p>BRIAN P. YENKE</p>	<p><b>Art Unit</b></p> <p>2622</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE (02 Feb 07)/Amend (01 Dec 06).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 46-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 Dec 06 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 01 Dec 06 have been fully considered but they are not persuasive. Since the arguments are based upon newly added limitations, please refer to the rejection below pertaining to these new limitations:

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al., US 2003/0164976 in view of Valdez, Jr., US 6,426,778.

In considering claims 46 and 51,

Ihara discloses a television receiving apparatus (set-top box 3) which is connected to a printer device (5) (Figs 1-2), which communicate to each other via a IEEE 1394 interface.

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Ihara discloses receiving receive broadcast information which is demodulated (11), descrambled (12) and converted into data pursuant to the IEEE 1394 standard (para 72). When the user desires to issue a print command to print data pertaining to the broadcast (para 97) the CPU 23 of the set top box specifies the type of seet, quality color layout in accordance with the picture displayed on the television device 4. Ihara also discloses that the set top box communicates the control parameters to the printer wherein the set top box receives information from the printer wherein if the printer is able to accept the operation mode parameters (paras, 103, 112-114, 171). Ihara also discloses that the printer status may display the contents/type/parameters (para 95) in addition to the picture.

However, Ihara does not explicitly recite receiving markup language in the received broadcast. Although the reception of such is notoriously well known in the art, the examiner nonetheless incorporates Valdez, Jr., US 6,426,778 which is of the same field of endeavor, which discloses the concept of markup language being received within a TV broadcast, wherein a browser/computer can control the picture in response to the control data received by both the picture and markup data.

Regarding the new limitation of document data including a script for acquiring status information of the printer and status display information corresponding to the acquired status information.

It is noted that applicant's own specification discloses that by incorporating a browser into a television a user may receive broadcasts/markup language data and perform the operations as claimed (see para, 04,05,09, 57,59,68 and 80 specifically). The applicant disclosure states that by receiving markup language such as XML which includes this script data which is used by the system (i.e. IEEE 1394) to control print operations. The applicant's disclosure states that control/script data is received from the broadcast signal---thus a receiver/decoder on the user's end needs only to receive such signal and carry out the appropriate instructions/script.

Valdez also discloses that the use of browsers (including XML) in a TV system are notoriously well known, in order to properly display received data (col 1, line 39 to col 3, line 39). Thus when receiving the markup language data the data includes a script for acquiring status information of the printer in addition to status display corresponding to such status which is used to determine whether the printer can execute such printing.

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In addition Ihara discloses the use of a display which is connected to a printer via IEEE-1394, which is used to determine the status/ability of the printer to perform requested functions (para 0172). It is also noted that the applicant's invention also uses the IEEE-1394 interface to control the process based upon received instructions from the markup language.

Thus the combination of Ihara and Valdez provides a TV system the ability to receive markup language data in addition to broadcast programs and carry out the instructions/script data received by using the 1394 interface in order to ensure the printer is capable of executing/carry out requested operations.

Therefore, it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to recognize that since Ihara discloses a system which receives broadcast signals, to also process all the data included in such signals such as the additional markup language data which are provided by the broadcaster, since the inclusion of such is to provide the user additional information/products/services which may be of interest to the user.

In considering claims 47-50 and 52-61,

As stated above, Ihara discloses a system which customizes the print function based upon received picture information, which includes display layout/style format (paras 97, 112-114, 121-126 and 154)

As stated in the previous rejection, with regard to an IEEE 1394 interface between devices, the printer receives/transmits information to the display (as would be a conventional printer with a computer monitor), wherein it would provide the user prompts, notifying if paper was out, printing is completed, not compatible or the printer has stopped, these are all functions associated which are previously known. In the event the applicant argues that these are not known, the examiner would like the applicant to clarify such on the record in addition to the disclosure for such in the application, in order to expedite prosecution.

### **Conclusion**

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.


For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

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The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS). PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y.  
24 March 2007



BRIAN P. YENKE  
PRIMARY EXAMINER